

The Gazette of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, OCTOBER 4, 1947

GOVERNMENT OF INDIA

MINISTRY OF LAW

New Delhi, the 4th October 1947

ORDINANCE No XXIII of 1947

AN

ORDINANCE

to confer further powers upon the Custodian of Evacuee Property for Delhi.

WHEREAS an emergency has arisen which makes it necessary to confer further powers upon the Custodian of Evacuee Property for Delhi;

Now, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), as adapted by the India (Provisional Constitution) Order, 1947, the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title, extent and commencement.—(1) This Ordinance may be called the Delhi Evacuee Property (Supplementary) Ordinance, 1947.

(2) It extends to the whole of the Province of Delhi.

(3) It shall come into force at once.

2. Interpretation.—In this Ordinance,—

(a) "the principal Ordinance" means the East Punjab Evacuee (Administration of Property) Ordinance, 1947, as extended to the Province of Delhi;

(b) "Custodian" means the Custodian of Evacuee Property for Delhi, or any Deputy or Assistant Custodian, appointed under the principal Ordinance;

(c) "evacuee property" has the meaning assigned to it in the principal Ordinance.

3. Power to remove trespassers from evacuee property.—Where the Custodian has reason to believe that the occupation of any immovable evacuee property by any persons is unauthorised or unlawful, he may, without prejudice to any of his powers under the principal Ordinance, by notice in writing delivered to such persons or affixed to such property, order the said persons forthwith to vacate the property; and if such order is not complied with within one hour, the Custodian may, with such assistance as is necessary, remove the said persons from the property, and in so doing may use, or authorise the use, of such force as may be necessary for the purpose.

4. Appeal.—Any person aggrieved by an order under section 3 may appeal in writing within seven days from the date of the order to the District Judge

who shall, after calling for a report from the Custodian and after making such further inquiry, if any, as he thinks fit, pass such orders on the appeal as he thinks proper.

Provided that the District Judge shall not order the Custodian to surrender possession of the property to any person unless he is satisfied that such person is lawfully entitled to possession thereof.

5. Penalty.—Whoever obstructs the Custodian or any person assisting him in the exercise of his functions under this Ordinance shall be punishable with imprisonment for a term which may extend to six months or with fine or with both.

6. Protection of action under this Ordinance.—No suit, prosecution or other legal proceeding shall lie against the Central Government or any person for anything which is in good faith done or intended to be done in pursuance of this Ordinance.

MOUNTBATTEN OF BURMA,

Governor-General

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K. V. K. SUNDARAM,

Secy. to the Govt. of India